next could be able to apply any adequate Reaction without an entire Clange in the late System of position. A Letter from London, dated Dec. 12, 176, 198, the Duke of Bedford's Friends is coming into the Ministry, Ford Sandwich, to be at the Head or the turies of State; and it is imagined I and Cluthar and its Friends will be out, and appear a solid in 6 cannot, Grenville will join the Murghi of Parkmanard from; Grenville will join the Murghi of Parkmanard the Marquis will not give up his, who appear as the better the best Friend we have got here.

ANNAPOLIS, March 3.

VERSES to C D, occasioned by his scurations LETTER.

Melius non tange e clama.

But touch me, and no Minister so face.

Post. AIN the Attempt, to blaif the facred Name,
That Virtue, and the Mure, coming to late;
The Wretch, who dares the Takk, shall carle, too late,
The luckless Hour, that urg'd him to his Fate! Too well, methought, 1211 knew me, War to wage,

Raife my Refentment, and defy my Rage; , Whom Phabas favours, BALTIMORE commends, The noblest Patron, and the best of Friends.

Each Feature, in fuch Colours, could I trace, Paint all the Blackness of your Mind and Face, so strongly mark'd, you'd shun the hideous E.; Start at the Likeners, and abnor Yourfelf. Dullness, in vain, her Sevin-fold Shield may lend, And desprate, juilly dread * LYCAMBIS' End.

* Lycambes having falffiel his Word to Archilocus, the latter wrote for severe a Poem upon him, that it doos him to Despair, and he hanged himself.

TO THE PRINTERS.

Ev julifying in your Paper, the fillowing Observation on a Piece, figured A Bystander, inferied in jour Gazette, No. 1168, you will charge, Yours, A PLAIN DEALER.

SHOULD not have given myielf the Trouble of aminadverting upon the Byitander's Performance,
had not the Neglect, with which it has been generally
received, given Rife to the Queition, often repeated,
Why, y' would, has it not been emposite?
If any Lawyer of Evinence has really given an Ojoinion, that the Appointment to the Office of Candifor, interactinates him from acting as a Volvinian, I can
easily believe it was only Primi Facts, and that its
hardly even allowed himself the way fort Time, in
which the Bylander's Reflections led him to conder.
The Occasion and Manner of this Prima Fant Obinon
have not been explained, or probably its Antaning have not been explained, or probably its Authority might be ftill flighter. If we could arrive at the maked Fact, perhaps it would appear, that the Word Integration has been made Use of by the Essander, he head of the Term Exempt, which seems probable from the Consideration, that in his Idea they are fundaments, or of equivalent Signification. But he seems nous, or of equivalent Signification. But be taken t may. I never understood that the Prima Facio Opinion of Counfel, however eminent, is so incontrouling and decifive, as to exclude all Contest, nor do I think to receives much additional Vigour from the mineral editions of the fagacious Byflander. I shall therefore take the Liberty of examining into the Weight and Soliday of his Authorities and Arguments in Support of the trunge Doctrine, as well as of some other Novellas which are incidentally introduced into his Piece.

That the Qualification of a Vejtryman depends upon ny other than the temporal Law in England, whether he Vestry be general or felect, is a wild Allertion, fer, in the former Case, every Parishioner, liable to Paralial Rates, and Out-dwellers, occupying Land in the Parish, are by the Common Law qualified to be of the Sestry, and entitled to an Action in the temporal Cart gainst the Disturbers of their Right; in the laws, the Qualification depends upon Custom, of which the Emporal Courts only can take Cognizance. In this Proince, Vestryman must be Freebolders, elected to that Office. experial Courts only can take Cognizance. In this Proince, Véfinymen mult be Freebolders, elected to that Office by Freebolders. And it would be too extravagant limit for any one to affert, that the Qualification of reebold, is cognizable by any Ecclefiafical Jurificanium, in what Part of Maryland is this Ecclefiatical unifdiction, of which the Bythunder speaks?—He akes a Distinction between the Words unfit and incapable in the Ast. and applies to them the Terms sufficiency. akes a Distinction between the Words unfit and incaable in the Act, and applies to them the Terms willble and woid.—Veidable imports something that may
e done, or not, and is improperly used, because the
Duty of the Veitry, and the Provisions of the Act, are
he same, whether the Person, to be removed, should
e unfit or incapable.—But I must here remark, that
he Bystander did not fully understand the Mesning of
his own Expression. For the Idea annexed to the is own Expression; for, the Idea annexed to the Vord voidable, suggests an Answer to all he has said bout Exemption and Incapacity; as one out of many affances which might be produced, will sufficiently new. A Man, when of Age, is exempted from the ayment of a Bond, given in his Minority; yet, when y a Suit, called upon for his Defence, if he will wave ne Privilege, he is considered in all the Capacities of my other Person. maable, suggests an Answer to all he has laid

The Bystander quotes Gibson thus :of the Realm, by reason of their Dignity, are exempted from the Office of Churchwarden, &c. 215. Hence, by Parity of Reason, he infers that Courtors in this Province are under the like Exemption. low, in this Quotation, I have some Suspicion he has of been candid; fer, altho' I have not Gibsen, yet I and that Burn (from whom I guess our Author has ollected most of his Ecclesiastical Learning) cites the

aslage, without an &c. If this be really an Interpolation, the Author's View fufficiently apparent. His Readers were to supply the Word Vestrymen, and he immediately argues upcasat Supposition. But this Quotation was to be reacted still more material by his Proof that Exemplish. in Traspait, are of equivalent Signification, in which haver he has entirely failed. For, Incapacity and Fargum, or Disability and Privilege, confit in this, that a Person irrayable, has not the Power of acting or recently, and, a Person exempted, is not compellable local by the Power of others. If an Alien or Constitutional be on a Jury, the Verdict would be void, cours such Persons have not the Power to act in that capacity. If a Cle. gyman, Magistrate, Lawyer, Physican, Je, should be called upon to serve as Jurors, an, Schmad of Caned upon to lerve as Jurors, mught fay, — We will not, nor are are compellable; finald they not claim their Exemption, their Vertworld undoubtedly be good. Incapacity is the Subtof Office.—as Exemption is of Chim.

I will now proceed to examine his Authorities upon I will new proceed to examine his Authorities upon to Hal. To support his Position, he relies upon to Ches, the first or which is to shew that Incapacity is contract cuth Exemption, and is stated thus—"It was been, lays be, in the great Cause between the City of Lorder and the Differers, that Differers being incomparated by the Act of Toleration, to take upon a tremewes Offices of Trust, without conforming, were constituted in the Fines for refusing to serve the Office of sherist of Londer."—Whereupon he observes—"Iller an Incapacity works an Exemption."

Fig. Cate is most eggegiously infrepresented by the Byward. It is reported in Eurn, 1, 509, 50, and is to the following Effect: By the 13th of Cha. II. "No Pecifon should be chosen to any Office of Magistracy, &c. re tollowing bilect: By the 13th of Cla. II. "No Perion flou'd be chosen to any Office of Magistracy, &c.

reating to the Government of any City, &c. who

shall not have received the Sacrament, &c. within

one Year next before his Election, &c. In Default

thereof, every such Election shall be void." An Acticharbought, upon a Bye-Law, against Evens, who

vas a Dislenter, for resaing to serve in the Office of

the flat and the general Question was, whether he was

able to Fine for not serving—Mr. Justice Foster was

of Opinion that the Act being prohibitory, upon the

Factors, the Election was therefore a mere Nullity, Evans

long a Dislimir—Mr. Justice Wilhest was of the same

Opinion, observing that the above Clause is not ad
rected to the Party chested, but to the Election, the Pro
rection being laid clearly upon them—that it was the

value of the Legislature, commanding them not to chest

tack Persons—hat the Election, contrary thereto, was a Vice of the Legislature, commanding them not to electric Persons—that the Election, contrary thereto, was a Transfershon; it wilful, a moral Wrong, on which an Action cannot be founded in Courts of Justice, which we to reporte the Will of the Society, and the Laws manifold that Will——That the Injunction, not to elect, aminguites the Right to electric——That the Election, being and, is an Infraction of the Law, and Right cause them, and wrong.——Is there one Tittle in the above Case, to them, that it ever came into the Venideration of the Ludges, whether the Inceptains of Confideration of the Judges, whether the Incapacity of the defield, exempted him from the Fine? Did they not expressly contine themselves to the Incapacity of the Energy, and make that alone the Principle of their Deation? But, if the Case had even been as repreand by the Enfander, it would only have shewn, at Incapacit, is not liable to the Consequence of Carry, that Punishment shall not be inslicted without mency, and his Conclusion, that Incapacity and profiles are of the same Import, because Incapacity, one Respect, may be productive of Exemption in ability, would have been still absurd.—For, does it fol-, because one Thing awarks another, that they must be the fame, and is there really no Difference between Cause and Effect? But let it even be granted for a Moment, that Licapacity and Exemption are fynonimous, what will be the Confequence of the Concession? Why, painly this, that his Position—" Here an Incapacity "works an Exemption" is equivalent to this "Here an Incapacity works an Incapacity"—which is one of those harmers Propositions, which neither assirm or deny any Thing; and are most aptly distinguished by the

His Second Case is to shew, that Exemption is made Use of in the Sense of Incapacity, and flands thus—
"The Bistops first claimed as an Exemption and Priviless, not to sit in Case of Life or Limb. Nevertheless, "lige, not to fit in Case of Life or Limb. Nevertheles, "Lord Cike, flys, in Cases of Trial for Treason, Misperimental prison of Treason, or Felony, the Lords Spiritual "maj withdraw"—"Here, says he, an Exemption works an Incapacity."—The Reader who has the Book, is desired to consult Burn, Title Bishops, Folio 156-7—and he will there find another Instance of our Aut or's Disingenuity in his Misapplication of my Lord Cikes Authority: but as the Book is in very few Ches Authority; but as the Book is in very few Hands, I muit beg Leave to give a fhort State of the Cafe:——" In Fact, fays Burn, there are feveral "Initances, wherein Bishops did fit and vote, or "wherein their Right was acknowledged to fit and "vote in like Cafe." "vote, in like Cases"—and then proceeds to cite five Instances in Consirmation of his Observation. Immediately after these Cases, follows the Passage in Question, viz. "Nevertheless, Lord Coke says generally, in "Cases of Trial for Treason, Misprisson of Treason, or Felony, the Lords Spiritual must withdraw, and "make their Proxies, 3 Inst. 31."

Now, in the Name of Candour, and Common Sense, to what does Burn apply this Observation of my Lord.

to what does Burn apply this Observation of my Lord Cite? Does it not most clearly refer to the Cases immedately before cited, and does it go one Step further, than to declare, that notwithstanding the Authority of those Cales to the contrary, it was my Lord Coke's Opinion, that the Bishops must withdraw? Does my Lord Coke say, as is suggested by the Bystander, that although the Lords Spiritual claimed it as a Privilege and Exemption, to withdraw in Trials of Treason, &c. neverthely they must withdraw? Was it fair in the Bystander to transfer my Lord Coke's Opinion from the real Subjest, to Premisses tetally different? The Candour of such Bisaviour I must submit to every Reader's Resection! ity of those Upon turning to Lord Coke, according to Burn's Reflection!
Upon turning to Lord Coke, according to Burn's Reference, I find the Passage to be only this:——" that if a Peer, being indicted of Treason, &c. pleads not guilty, he shall be tried per Pares suos, and then the Lords Spiritual must withdraw."
Whether the Fastage of the Pidene in Color of

Whether the Exclusion of the Bishops, in Cases of Blood, is just, or otherwise, is not the Question; but, whether the Assertion of the Bystander, that Exemp-"ton and Incapacity are Terms of equivalent Signifi-cation," is countenanced by that Instance. By the Canon Law, the Bishops were disabled from condemning any one to Death, and they contended, that this Law, or its Principle, (being taught by Christ himfelf, in his Command to Peter—" Peter put up your

"Sword in the Sheath,") was obligatory upon them, and therefore withdrew from Trials of Life and Death. But, when afterwards they confidered this Matter in a different Light, and others thought it expedient to hold them to their old Doctrine, the Binops contended that their Withdrawing did not proceed from their In-cofacity, but their Privilege or Exemption, and there-fore it was in their Option either to claim or to wave. But, had Incapacity and Exemption been the fame Thing, it would have been inconfillent with the Wisdom of Diffinition between them, and their Opponents would Diffraction between them, and their Opponents would have insisted upon their Incapacity, upon their own Admission of Exemption.—This Example, therefore, is very far indeed from assorbing any Colour to the By-ftander's Reasoning.—I must, upon the Whole, submit to the Reader, whether the Bystander has not failed in every Effort to support his Point, and less it failed in every Effort to support his Point, and left it as void of Proof, as if he had never written one Syllable upon the Subject.

Is able upon the Subject.

If Counsellors are incatable, because exempted, then all others, equally entitled to Exemption, are also incatable—Magnitrates—Physician:—Lawyers—Members of the Lower House of Assembly, &c.—But the Exemption of Counsellors will hardly be claimed by them, or allowed by others, on the Principle that Peers are exempted in Englant, which would entitle them to Privileges, both unnecessary and inconvenient. The Dignity of a Counsellor, upon the Byttander's Argument of Parity, exempts him from Arrest, from tweat-Dignity of a Counfellor, upon the Bystander's Argument of Parity, exempts him from Arrest, from twearing to his Answer in Chancery, entitles him to be tried by Counfellors only, in Cases of Life, to his Action of Scandalum Magnatum, &c. In a Word, tho' a Counfellor, according to the Bystander's Reasoning, wou'd be deprived of sitting in Vesty, he wou'd have ample Amends from the Accession of a Variety of Privileges.

Amends from the Accellion of a Variety of Privileges. Supposing, however, that a Counfellor still will be, as he always has been, equally liable in his Person and Estate, with any other Person; how will there be a Want of Power to compel his Attendance on his Duty?

—But, "an Appeal lies to the Governor and Countil; and, by the Canon Law, an Appeal "made from the same Person to the same Person."—"I think not; for, to make it so, we must suppose the Vestry to act judicially—the whole Power thereof to be in one Counsellor,—and this one Counsellor to be the Governor and Council.—But this is not the Case, for the Counsellor,—and this ene Counsellor to be the Governor and Council.—But this is not the Case, for the Counsellor is only ene of many Vestrymen, and ene of many Judges on the Appeal. A Chancellor, or any of the Judges, being Peers, do sit in the House of Lords, on Appeals from their own Decisions. The Chancellor of Maryland sits on Appeals from his own Decrees; and it has been usual for Provincial Migistrates, being Counsellors, to exercise a like Jurisdiction. Why does not the Bystander apply some Part of his Zeal to correct these Abuses? Why does he not extend his Care to the Reformation of the State, as well tend his Care to the Reformation of the State, as well as of the Church? And, especially, when he has declared, that such a "Practice wou'd stop the Course of "Justice, introduce and establish Tyranny and Offresting, and ie; in a Word, as repugnant to Reason as to Law."

But why need the Bystander be so anxious to have But why need the Byttander De 10 anxious to have the Counfellor displaced, as a Vestryman, when his Ecclesiassical Law has pointed out an effectual Remedy against Oppression, by forbidding him to sit on the Appeal. In the Case he puts, the Bistop was not deprived of his inserior Junisdiction, but the Appeal was not to be made from this Case, upon the Principle of Parity, is, that the Counseller shall not be stript of his Vestry Power, but he shall not fit upon the Appeal; and thus I think all the dreadful Consequences, so much apprehended by this jealous Patriot, will be obviated.

A Counfellor is certainly disqualisted from voting at Elections, not on Account of his Dignity, but because such Persons only vote, as are represented by the elected, and Counsellors, being personally present, and Parties in passing of all Laws, are not represented. The Acceptance of a Place vacates a Seat in the House of Ascemblar, because his the Scatters is the interest of Ascemblar, because his the Scatters is the single because fembly; because, by the Statute, it does in the House of Commons, the Precedents of whose Proceedings we have adopted; but to extend this Statute to Vestrymen, is, upon a Rule of Equity, never before heard of here or elsewhere. That an Option should revert to the People, whether they will continue their Confidence in a Person they had once intrusted with the important Character of a Legislator, after the Acceptance of an Office, which may bias him against their Interest, is very proper.—But what are the Politics carried on in Vestries that can make a Placeman particularly exceptionable? It appears to me, that a Ministra. fembly; because, by the Statute, it does in the House cularly exceptionable? It appears to me, that a Minifer, intriguing for Pluralities, against Law, is a more dangerous Person to be intrusted with such a Power.

I acknowledge that every Vestryman takes a strict I acknowledge that every Vestryman takes a strict Oath "That he will justly and truly execute the Trust "or Office of a Vestryman of the Parish according to "the best of his Skill and Knowledge, without Prejudice, Favour, or Affection," and I agree with the Bystander, "that if the Principal had overlooked his "Duty, thro' Favour or Prejudice, he wou'd deservedly have incurred Censure"—But, altho' one wou'd have incurred Censure"—But, altho' one wou'd "Duty, thro' Favour or Prejudice, he wou'd deservedly "have incurred Censure"——But, altho' one wou'd wish to avoid the Consure of the World, yet I must suppose, that he had an higher Motive of Conduct.—Awed by the sacred Nature of his Oath, and knowing how much the Cause of Religion, and eternal Welsare of his Flock depend upon his Example, no Consideration cou'd induce him to act against his Sentiments of Duty. Unbiassed by Favour or Prejudice, no Expectation of Assistance in, no Dread of Opposition, to any little Emoluments, merely temporal, to which he might have Pretensions, cou'd influence a Gentleman of his Piety. His Attempt to displace the unsit Counsellor, and his pious Precautions to provide a six Successor in his Room, both proceeded, no Doubt, from a Sense of Duty, and an inviolable Regard to the most facred of all Sanctions—Acviolable Regard to the most facred of all Sanctions-Acting upon a Motive, so truly religious and honourable, he, by a single Step, gives a Lesson to his Parishioners more efficacious than a thousand Sermons, and they must always remember, that, when they are Vestrymen, no Favour, no Prejudice, no selfast Causaderations are to influence or bias their Conduct.

But whatever Opinion I may entertain of the Purity of the Principal's Conduct upon this Occasion, yet others are apt to alledge,—that the Act of Assembly does not

"make it one great Branch of his Duty, to restrain, or if as afide an irregular Representation" as the Bystander afferts, but places this Power in the Residue of the Vestry, of which he is only one—that it directs a Notice to be given to the Party, and a particular Mode of Proceeding, before he is outled of his Seat in the Vestry, and a considerable Time to the Parishioners to supply the Vacancy—that when an Oath is directed by an Act, it implies an Obligation to perform all the Duties thereby imposed on the Party taking the Oath—that the Terms of the Act are precise and plain, and could not be misunderstood by a Man of the Principer's Understanding—that therefore he was gulty of a direct Breach of his Duty, in endeavouring uegally to disposses, with another—In Confirmation of their Opinion, that the Principal had formed a premeditated Defign of incrincing his Duty to his Interest, they menfign of incrincing his Duty to his Interest, they men-" make it one great Branch of his Duty, to restrain, or nion, that the Principal had formed a premeditated Defign of facrificing his Duty to his Interest, they mention fundry Facis to the following Perpose—I hat the Principal had a fond Deire of hording the two Pursies of St. James and St. Anne—that it was once his Opinion, he could not haid tiem, without the Consent of the Vestries of both—That he applied first to the Vestry of St. James, and got formathing like a Consent from them—That then be applied privately to the Members of the Vestry of St. diagram, and, among the rest, to a Counsellor, who happened to be one of them—That the Counsellor financy told him, that he thought his Pretentions inlegal, the Law requiring that the Tree his Pretentions idegal, the Law requiring that the Tree Paraphes thou die educent, which he thought could not Paryles thou'd be advacent, which he thought could not be, when there was a interincent Parish between them—That, finding, after one Convertations, no Change in the Counfellor's O daion, and that he was inflexibly determined to be governed by his own sense of the Law, when he was acting upon Oath, the Principal grew angry, revited him behind his Back, conceived that he was write to be of the Veitry, and formed a Scheme to turn him out—That, are valuely to the investment of when he was acting upon Oath, the Principal grew angrey, reviled him behind his Back, conceived that he was nofit to be of the Veitry, and formed a Scheme to turn him out—That, vieviously to the execution of his Plot, he focke to a Gendina, and to the Veitry, and upon his Acquietenen, adde — a you migle egage to give me your Vate to held the time Parguet, or you you not come in—That the Gentleman would have deated the Principal with prefer Reflect for the Indignity, has it not been for a faritude direction on the fame Manner, who likewife revered he Principal mith Scorn—And, lailly, that he found a fit Priff in, who entered into all the proper preliminal long to the fame Manner, the Frincipal, upon a Stocke, that there was to be an Election of a Testigman upon the Twoley, thousing—That he also some end a Venay the endown he latter. Day, but cave he Nake to a set your — I had he reged his Friend, abstraction, in a design pouring House, who, upon a bigma, was to come out (as ibon as the Councillos) seat in the Vestry was determined to be vacant) and tumply his Place.—That the Roem of one who was the mention of a Veitry man in the Roem of one who was the mention of a Veitry man in the Roem of one who was the mention of a Veitry man in the Roem of one who was the mention of a Veitry man in the Roem of one who was the mention of a Veitry man in the Roem of one who was the lection of a Veitry man in the Roem of one who was the lection of a Veitry man in the Roem of one who was the lection of a Veitry man in the Roem of one who was the lection of a Veitry man in the Roem of one who was the lection of a Veitry man in the Roem of one who was the latted a the Novelty of the Objection, and defired that the Cenapillor might be tene for, to which the Principal would not confert——That the Veitry positively refused to enter upon a new Election, till the Cenapillor (who was all his write en aged as a nember of the Mayor's Court, upon the City Election) was fent for, and heard in Support of his Right—That the Principal, thus di and his Friend, in Artenda, to Lowel after—And, tay they, thus ended this firms Plot—There Gendemen go on and make Reflections upon the above Facts—That Art in time Cases is an arrant teo.—That Honesty is the best Policy, and—That Crast seldom fails to out-with itfeit, and meet in the End with its just Rewards, Hared—Contempt and Disappointment.—
If indeed the above Facts are as true as they are con-

If indeed the above Facts are as true as they are confidently and generally afferted, I should give up the Principal's Conscience, and believe, with the rest of the World, that the Psea of Duty is a mere Pretence, that he endeavoured to accomplish his Purpose, by Means unjustifiable, that his Words and Actions have not been a diplayed in accord Colours' than they deserve, and that if he has met with any particular Marks of Odium here, it was not owing to his being a Stranger, but to quite a different Principle.

quite a different Principle. When Contempt is deserved, it ought, for the Interest of real Merit and Virtue, to be expressed without Reserve, without Distinction of Persons; but I should, Referve, without Distinction of Persons; but I shou'd, indeed be sorry, that any Stranger, merely because a Stranger, should be treated in so unworthy a Manner, as to have "his every Word and Action displayed in the worst Colours"—Having, however, observed the excessive Disingenuity of the Lystander, in other Matters, I should suspect his Veracity in the present Instance, even if I did not know the Fast he alledges to be absolutely false.—I sincerely wish, and make not the least Doubt, but that the Character of Hospitality and civil Regard to Strangers, by which we have been hitherto distinguished, will be ever preserved; and that we shall always cherish a peculiar Respect, for every conscientious Minister, labouring in the great Work of the Gospel, from the Example of whose Life and Conversation, and the Piety of whose Precepts, so many and such inand the Piety of whole Precepts, so many and such invaluable Benefits flow to the Community.

* In our last GAZETTE, in the Paters first struck off, the following Errors, in the Piece, fign'd C. D. escap'd the Press—Page 2, Col. 3, Line 26, for that, r. thus—Same Col. 5th Line 5tom the Estom, for Tuespassers, r. Trespassers—Page 3, Col. 1, Line 95, for stooping, r. stooping. Col. 2, Line 5, jor ad Inferiorem, r. ad Supe-

March 2, 1768.

JUST IMPORTED, in the LORD CAMBDEN, Captain John Johnstoun, and to be feld by the Subscriber; at his Stere, in Church-Street, Anna-

A N ASSORTMENT OF EUROPEAN and INDIA GOODS. THO! HARWOOD, 3d